



OSS Work Group Revised Meeting Summary

Tuesday, June 28 2016, 1:30 PM to 4:00 PM

Environmental Health Services, 14350 SE Eastgate Way, Bellevue, WA 98007

Convene & Housekeeping (Jay Watson, facilitator)

Jay Watson welcomed Work Group members. He noted a brief change in the agenda order to accommodate PH staff schedules. Then the following meeting materials were distributed:

- ▷ Meeting agenda;
- ▷ Draft May Meeting Summary;
- ▷ PowerPoint slides from the Public Health OSS Fee Proposal to the King County Board of Health;
- ▷ List of possible OSS Priority Areas for Work Group feedback; and
- ▷ List of possible OSS Education and Outreach implementation options for Work Group feedback.

Workgroup members were offered an opportunity to review the May meeting notes and affirm their recommendations from that meeting. Those recommendations were presented again for final discussion and decision:

- ▷ Proposal: Require inspections of the homeowner portion of LOSS (large onsite sewer systems) every 3-4 years and at time of transfer/sale.
- ✓ **Recommendation: Work Group members felt the inspections of the homeowner portion of the LOSS should be made at least every 3 years for all LOSS, and more frequently if the manufacturer recommended it.**
- ▷ Proposal: Require electronic submittal of all OSS inspection and service reports.
- ✓ **Recommendation: Work Group members affirmed this, with additional research to clarify and address additional tax liability.**
- ▷ Proposal: The residents of one area should not pay for addressing OSS problems in another area.
- ✓ **Recommendation: Work Group members agreed unanimously.**
- ▷ Proposal: Public Health should continue to use grant funding to the greatest extent possible to support the OSS program.
- ✓ **Recommendation: Work Group members agreed unanimously, though one member noted that a fee should also be considered, to ensure there is sustainable funding for a position that supports the problems/challenges of OSS.**

- ▷ Proposal: Budgeting should be done for bodies of work that are one-time actions (e.g., the OSS inventory) then the budget should be reduced after that work is completed.
- ✓ **Recommendation: Work Group members agree unanimously.**
- ▷ Proposal: Public Health should engage communities with OSS problems using a community planning approach to help address those problems.
- ✓ **Recommendation: Work Group members agreed unanimously, however noted that it would be expensive but should be done in appropriate cases.**
- ▷ Proposal: Public Health should improve/maximize coordination between agencies.
- ✓ **Recommendation: Work Group members agreed unanimously.**
- ▷ Proposal: Public Health should research other counties' OSS program approaches to see what can be adopted from them.
- ✓ **Recommendation: Work Group members agreed unanimously.**

Fee proposal update (Cyndi Schaeffer, Chief of Staff, Public Health)

Cyndi Schaeffer introduced herself and expressed her appreciation for the expertise around the table, gratitude for the Work Group's time and commitment, and emphasized that the Work Group's input was taken seriously.

The purpose of this group, she explained, is to help identify the priorities for Public Health's OSS program. She reviewed the decision process, explaining that the fee proposal goes to the Board of Health and that they hold the regulatory authority to decide what fee structure should be implemented. The fee proposal is also being presented at a number of public meetings. She said that feedback was being recorded at these meetings, and in addition to soliciting this Work Group's creative thinking for ways to better engage the public in this, Work Group members were also encouraged to share their thoughts directly at those public meetings and with Board of Health staff.

Work Group Member Comments and Questions:

There was extensive discussion about the fee process and the Board of Health. There was also discussion about how that process was different from the Work Group process, which was put together to update the OSS Management Plan, and how that was confusing to both the Work Group members as well as others. The Director of Public Health made a decision to bring a fee proposal forward to the Board of Health after the Work Group had already begun its work, but before it would finish. The director decided to go out to a broader audience to discuss it rather than have it be added to the Work Group's work plan. That is why it ended up on a parallel track – the Work Group's work product is not slated to be discussed by the Board of Health until the fall.

Work Group members were concerned that they also wanted to have input into the fee process. It was reiterated that individual Work Group members could attend the public presentations on the fee proposal, and also testify at the Board of Health, but that the Work Group would not be charged with submitting a recommendation from the group as a whole.

How should High-Risk Areas be prioritized?

(Lynn Schneider & Terri Jenkins- McLean, PH OSS Program)

Jay reviewed the OSS Priority Areas draft document. Lynn explained that all of the priorities would be linked to areas where there are documented OSS problems.

Work Group Member Comments and Questions:

Q: The Work Group asked if Public Health staff would only respond where OSS have been determined to have problems, as stated in Priority 2), “Public Health will respond to failure referrals from stormwater agencies that have determined, through testing and elimination of other sources, that OSS failures are contributing to surface water pollution.”

A: Staff affirmed that was what was being proposed.

Q: With regard to Priorities 3 through 6, where it is stated, “The priorities below, listed in the 2007 OSS Management Plan, will be addressed solely through stringent requirements at the time any permit is sought, not through field work (e.g., new construction, remodels, OSS repairs/expansions needing a permit; and at time-of-transfer [TOT] of the property).”, questions were asked about what that meant and if new rules were being applied.

A: Staff stated that no new rules were being developed or would be applied, but that this approach would be how the OSS Program would use their limited staff time, as opposed to more proactive approaches for which resources are not available.

Q: Questions were raised about whether and what kinds of building permits might trigger the requirement for an OSS permit.

A: Staff responded that if a permit involved any nexus with the OSS, which would increase flow to the OSS or put more demands on it, that would probably require an OSS permit and possibly an expanded system. Building permits might also require the OSS to be brought into conformance with current code requirements. Staff also said that permits for unrelated building/remodeling (e.g. a garage or other unrelated construction) would probably not affect an existing OSS or require OSS permit actions.

Q: Questions were posed about TMDLs (total maximum daily loads of pollution), where the impacted water bodies were located, and what the sources of the pollution were.

A: Staff responded that polluted streams and rivers are listed on the Federal Clean Water Act “303d” list, which is maintained by the Washington State Dept. of Ecology on their website at: <http://www.ecy.wa.gov/programs/Wq/303d/index.html>. An associated webpage also contains a list of clean up actions (TMDLs) and can be found at: <http://www.ecy.wa.gov/programs/wq/tmdl/index.html>.

Q: An associated question was posed and an observation was made that it might be a good idea to fold in looking at the pollution in freshwaters (Priority 6.5 problematic fresh water areas) that contributes to polluted marine waters which are Priority 1 in the document (targeting shellfish, low-dissolved oxygen, fecal coliform and nitrogen).

A: Staff agreed that Priority 1 should be amended so that those documented areas where pollution in fresh waters is contributing to the pollution of marine waters, the fresh waters should also be addressed.

✓ **The Work Group unanimously agreed that, with the modification to Priority 1, to include fresh water sources of pollution, that they supported the priority listings in the document.**

What Education & Outreach should Public Health undertake?

(Lynn Schneider & Terri Jenkins-McLean)

Jay reviewed the OSS Education and Outreach Options Document, which has a minimum set of activities (Option 1) and additional activities (Option 2) based on the availability of resources.

Work Group Member Comments and Questions:

Q: Questions were asked to talk about Options 1 and 2.

A: Staff stated that the activities under Option 1 were an absolute minimum level of service that was needed. The additional activities under Option 2 were still a very minimal level of outreach and depended on OSS industry professionals and real estate agents to distribute information. More proactive measures became increasingly more costly and could only be contemplated with additional resources. If additional resources were identified, Public Health might consider some of the other activities described on page 1 of the document.

Q: Questions were also raised about the problems with maintenance contracts, the lack of follow-up and whether they were truly necessary and effective.

A: Staff agreed that this area is full of inconsistencies and needs to be reviewed.

Q: Questions were raised about the timing of providing information at the time-of-sale/transfer and that Public Health should provide OSS O&M information possibly a month after the sale/transfer has taken place.

A: Staff will explore this idea, but it is dependent on a robust database and the ability to generate automated reminders and mailings on a time-specific basis.

Q: Work Group discussion ensued regarding the value of various engagement media, such as: TV and radio ads, bus placards, direct mail/postcard reminders, social media and the internet, Econet, etc. That Public Health should consider using other governments to help carry the message (e.g., Puget Sound Partnership's Puget Sound Starts Here campaign, King Conservation District, etc.); using other groups, like home owner associations, in affected areas, and master gardeners, to help carry O&M messages; and undertaking direct staff outreach by providing information at fairs and community events. But to be most efficient, the focus should be on ways to directly target OSS owners in specific areas with problems.

A: Staff noted the various points made by Work Group members, but stated that each of these efforts required either funding for staff to prepare and distribute the O&M information, or to prepare or pay for others to distribute the information; all of which requires resources which are no currently available.

✓ **The Work Group supported doing as much education and outreach as possible using all available resources.**

What should O&M inspection requirements be in Low and High-Risk Areas? (Lynn Schneider & Terri Jenkins-McLean)

Lynn proposed that the OSS Program adopt a mechanism that Thurston County uses and currently applies to their Henderson Inlet area. That protocol requires basic inspections for every system and a more sensitive dye test every 6 years.

Work Group Member Comments and Questions:

Q: A question was posed as to who would do the dye testing, Public Health staff or contractors.

A: Thurston allows both staff and contractors.

Q: Concerns were raised that dye testing every 6 years was too long if the OSS were in high risk areas and that it should be every 3 years at a minimum.

Q: The question was raised about whether the proposal was for dye testing in both fresh and marine waters.

A: Staff said that the proposal was for dye testing in drainages to marine waters only, because there currently isn't enough science to use it generally in freshwater environments. If it is found to be useful, it might be applied in specific cases, but the emphasis would be to check for failures impacting marine areas because of limited resources.

✓ **The Work Group supported this set of requirements for high risk areas, but wanted dye testing to be done on a 3-year minimum basis.**

Public Comments

There was a question about whether Public Health was proposing to require access easements as a permit requirement for new OSS installations. Staff responded that was not something that has ever been pursued and could not imagine it being used in the future.

Meeting Recap (Jay Watson)

Jay proposed that the July meeting be cancelled while staff incorporate the Work Group recommendations into the Draft Plan. That draft plan would be posted to the OSS webpage and Work Group members would be notified, prior to the August 23rd Work Group meeting, that it was posted and to review it. The Work Group would then be asked to provide comments on the draft document, which will be presented at the August meeting.

The draft document would then be modified base on Work Group input from the August meeting, and, if completed, would be posted for additional public comments. It would then be revised based on additional comments and scheduled for discussion and possible adoption by the Board of Health.

The Work Group unanimously agreed to:

- ▶ The distribution of the draft plan via the website for review;
- ▶ That the Tuesday, July 26th Work Group meeting should be cancelled;
- ▶ That the previously scheduled August 23rd meeting be held as scheduled; and
- ▶ To discuss at the August Work Group meeting whether to hold the September and/or October meetings – depending on whether the Work Group felt they wanted more time to discuss the plan and depending on how much progress was made at the August meeting. Those meetings were originally scheduled as place-holders if needed.

Work Group Member Comments and Questions:

Q: A question was raised about whether Board of Health action on a fee would change the Work Group's work.

A: Staff responded that BOH action would not matter, but could be incorporated into the plan if it did take some action. The activities in the plan will always be scalable depending on available resources. If no new funding was approved, the plan will have to be very lean and not comprehensive.

Meeting Attendees

Work Group Members:

- Tanya MacFarlane, City of Redmond
- Dave Hudson, Columbia Land Services
- Trudy Rolla, Northshore Utility District
- JR Inman, NW Cascade, Inc.
- Jane Pearson, Green Valley/Lake Holm Association
- David Crowell, Seattle-King Realtors Assn.
- Dave Winfrey, Puyallup Tribe
- Warren Iverson, Greater Maple Valley Unincorporated Area Council
- Deidre Finley, Black Diamond Gardens
- Allison Butcher, Master Builders
- Robert Elwell, City of Auburn
- George Streepy, G&N Septic Tank Service
- Randy Freeby, WA State Dept. of Health
- Cristofer Horbelt, Seattle Public Utilities
- Mary Jane Goss, Seattle-King Realtors Assn.
- Jeanne Dorn, King County Stormwater Program

Staff & Contractors:

- Cyndi Schaeffer, PH Chief of Staff
- Lynn Schneider, PH-EHSD, OSS Program
- Terri Jenkins-Mclean, PH-EHSD, OSS Program
- Doug Jones, PH-EHSD, OSS Program
- Jay Watson, EPM, LLC, Contract Facilitator
- Natasha Walker, Kellogg Consulting, Inc., Contract Meeting Recorder

Audience Members and Other Attendees:

- John Thomas, WOSSA